



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)
John Hinderaker (AZ 018024)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TWELFTH
OMNIBUS OBJECTION OF USACM
LIQUIDATING TRUST TO DOUBLE
COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Twelfth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7517] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7517] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 duplicate amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

13 Rob Charles
14 John Hinderaker (*pro hac vice*)
15 3993 Howard Hughes Parkway, Ste. 600
16 Las Vegas, Nevada 89169-5996
17 Telephone: (702) 949-8320
18 Facsimile: (702) 949-8321

19 *Attorneys for USACM Liquidating Trust*
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
JILLIAN CAMPBELL & PATSY RIEER JT TEN	2024 DOUGLAS RD STOCKTON CA 95207	10725-02212	78,592.12	39,296.06
JOCELYNE HELZER IRA, FIRST SAVINGS BANK C/F	115 SOUTH DEER RUN RD CARSON CITY NV 89701	10725-02230	36,538.00	18,269.00
JOHN J & DIANE M MAGUIRE LIVING TRUST DTD 8/4/00	JOHN J & DIANE M MAGUIRE TTEES 5590 SAN PALAZZO CT LAS VEGAS NV 89141-3913	10725-02375	202,500.38	101,250.19
JOHN L WADE TRUST DTD 5/8/01	C/O JOHN L WADE TRUSTEE 881 LAKE COUNTRY DR INCLINE VILLAGE NV 89451- 9042	10725-02327	1,500,000.00	750,000.00
JOHNSON JT TEN, CHARLES E & JANET P	17 FRONT ST PALM COAST FL 32137	10725-02118	203,105.54	101,552.77
JOHNSON, PHYLLIS	C/O RON JOHNSON PO BOX 27 RENO NV 89504	10725-02127	202,800.00	101,400.00
JOHNSON, PHYLLIS	C/O RON JOHNSON PO BOX 27 RENO NV 89504	10725-02262	202,800.00	101,400.00
JOHNSON, RONALD A & MARILYN	50 SNIDER WAY SPARKS NV 89431-6308	10725-02126	304,200.00	152,100.00
JOHNSTON TRUST DTD 9/7/85	RODNEY L & DIANE E JOHNSTON TTEES 4326 ARCADIAN DR CASTRO VALLEY CA 94546	10725-02354	102,082.96	51,041.48
JOY INVESTMENT INC A NEVADA CORPORATION	8080 HARBORVIEW RD BLAINE WA 98230 JOY INVESTMENT, INC. 5280 S EASTERN AVE., SUITE D-3 LAS VEGAS NV 89119	10725-02124	1,818,940.00	909,470.00